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SEP 30 2004 NO. 8197 P. 1

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TO THE UNITED STATES PATENT OFFICE**

Applicants Docket Number:  
**HMR2023 US PCT**

Applicants:  
**David M. Fink et al**

Serial No.  
**10/088,250**

Filing Date:  
**December 23, 2002**

Title of Invention:  
**THIENOISOXAZOLYL-AND THIENYLPYRRAZOLYL-PHENOXY SUBSTITUTED PROPYL  
DERIVATIVES USEFUL AS D4 ANTAGONISTS**

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Attorney: **Barbara E. Kurys**

Group Art Unit: **1626**

Examiner: **Wright, Sonya N.**

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NO. 8197 P. 3

SEP 30 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
**David M. Fink et al**

Examiner: Wright, Sonya N.

Art Unit: 1626

Application No.: 10/088,250

Filed: December 23, 2002

Title: **THIENISOXAZOLYL-AND  
THIENILPYRRAZOLYL-PHENOXY  
SUBSTITUTED PROPYL  
DERIVATIVES USEFUL AS D4  
ANTAGONISTS**

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**RESPONSE TO REQUIREMENT FOR RESTRICTION**

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The Examiner required restriction to one of the following exemplary groups of Claims under PCT Rule 13.2:

Group I, claims 1-120, 124, and 125, drawn to compounds and compositions of formula I, wherein X is N(CH<sub>3</sub>), R<sub>1</sub> is OH or alkoxy, R<sub>2</sub> is H or C<sub>1</sub>-C<sub>6</sub>alkyl, R<sub>3</sub> is indanyl, and R<sub>4</sub> is H or C<sub>1</sub>-C<sub>6</sub>alkyl, classified in class 548 and subclass 356.1+.

Group II, claim 121, drawn to a compound wherein X is N(CH<sub>3</sub>) and R<sub>1</sub> is C<sub>1</sub>-C<sub>6</sub>alkyl, classified in class 548 and subclass 356.1+.

Group III, claim 122, drawn to a compound wherein X is O, R<sub>1</sub> is H or C<sub>1</sub>-C<sub>6</sub>alkyl, and R<sub>2</sub> is CH<sub>3</sub>, F, p-bromobenzene, p-nitrobenzene, or p-methylbenzene, classified in class 548 and subclass 356.1+.

Group IV, claims 123 and 126-136, drawn to methods of use for compound of formula I wherein X is N(CH<sub>3</sub>), R<sub>1</sub> is OH or alkoxy, R<sub>2</sub> is H or C<sub>1</sub>-C<sub>6</sub>alkyl, R<sub>3</sub> is adamantyl, and R<sub>4</sub> is H or C<sub>1</sub>-C<sub>6</sub>alkyl, classified in class 548 and subclass 356.1+.

Group V, claim 137, drawn to a process for the preparation of a compound of the formula I, wherein X is N(CH<sub>3</sub>), R<sub>1</sub> is OH or C<sub>1</sub>-C<sub>6</sub>alkoxy, R<sub>2</sub> is H or C<sub>1</sub>-C<sub>6</sub>alkyl, R<sub>3</sub> is indanyl, and R<sub>4</sub> is H or C<sub>1</sub>-C<sub>6</sub>alkyl, classified in class 548 and subclass 356.1+.

Group VI, claim 138, X is O, R<sub>1</sub> is OH or C<sub>1</sub>-C<sub>6</sub>alkoxy, R<sub>2</sub> is H or C<sub>1</sub>-C<sub>6</sub>alkyl, R<sub>3</sub> is indanyl, and R<sub>4</sub> is H or C<sub>1</sub>-C<sub>6</sub>alkyl, drawn to a process for the preparation of a compound of the formula I, classified in class 548 and subclass 356.1+.

Group VII, claim 139, X is O, R<sub>1</sub> is OH or C<sub>1</sub>-C<sub>6</sub>alkoxy, R<sub>2</sub> is H or C<sub>1</sub>-C<sub>6</sub>alkyl, R<sub>3</sub> is (CH<sub>2</sub>)<sub>n</sub>Q wherein Q is thienyl, and R<sub>4</sub> is H or C<sub>1</sub>-C<sub>6</sub>alkyl, drawn to a compound of formula I, classified in class 548 and subclass 356.1+.

The Examiner has stated that this list is not exhaustive. The Examiner argues that "setting forth an exhaustive list is difficult under the time constraints due to the sheer volume of subject matter instantly claimed". The Examiner invited the Applicant to elect a single invention by identifying another specific embodiment not listed in the exemplary groups of the invention.

In response solely to be responsive to the requirement for restriction, Applicant provisionally elects, WITH TRAVERSAL, to prosecute claims to *another embodiment* not listed in the exemplary groups of the invention.

Applicant requests that the following Group be examined:

The Group encompassing claims 1, 2, 3, 6, 11, 16, 17, 18, 19, 20, 21, 124 and 125 drawn to compounds and compositions of formula I, wherein

X is N(CH<sub>3</sub>) or O;

R<sub>1</sub> is OH or C<sub>1-6</sub> alkoxy;

R<sub>2</sub> is H or C<sub>1-6</sub> alkyl;

R<sub>3</sub> is (CH<sub>2</sub>)<sub>n</sub> Q, wherein

Q is thienyl, and

Q is optionally substituted with one or two moieties independently selected from halo, C<sub>1-6</sub> alkyl, C<sub>1-6</sub> alkoxy, hydroxy, S(O)<sub>2</sub>NH<sub>2</sub>, trifluoromethyl, or cyano, and

n is 1 or 2; and